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In re Application of  
Otto SCHALLNER et al.  
Application No.: 09/194,261  
PCT No.: PCT/EP97/02520  
Int. Filing Date: 16 May 1997  
Priority Date: 30 May 1996  
Attorney's Docket No.: M0-4908/LeA 31,803  
For: SUBSTITUTED SULFONYLAMINO(THIO)  
CARBONYL COMPOUNDS AND THEIR USE AS  
HERBICIDES

DECISION ON  
PETITION  
UNDER 37 CFR 1.182

This is in response to the "Petition Under 37 CFR 1.182" filed 02 November 1999 requesting an inventor's change of name from Peter Andres to Peter Wolfrum.

BACKGROUND

On 16 May 1997, applicants filed international application PCT/EP97/02520, claiming priority of German application 196 21 685.0, filed 30 May 1996. A Demand of international preliminary examination, in which the United States was elected, was timely filed 16 September 1997. Accordingly, the thirty month period for paying the basic national fee in the United States, in accordance with 37 CFR 1.495(b), expired at midnight on 30 November 1998.

On 24 November 1998, applicants filed a Transmittal Letter (Form PTO-1390) for entry into the national stage in the United States, which was accompanied by, *inter alia*, the requisite basic national fee.

On 13 May 1999, applicants filed an executed Combined Declaration and Power of Attorney along with the requisite fee for filing the declaration later than thirty months from the priority date.

On 03 September 1999, the United States Patent and Trademark Office (PTO) mailed applicants a "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States

Designated/Elected Office (DO/EO/US)" (Form PCT/DO/EO/905) and a "Notification of a Defective Oath or Declaration" (Form PCT/DO/EO/917) which indicated that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required because the inventor Peter Wolfrum was not identified on the international application.

On 02 November 1999, applicant filed a petition under 1.182 to change the name of Peter Andres to Peter Wolfrum. The petition included a two month extension of time, a statement of facts concerning the name change of Peter Andres, and a copy (and translation) of the Certificate from the Registry Office in Germany recording the name change.

### DISCUSSION

MPEP section 605.04(c) states, in part, the following:

In cases where an inventor's name has been changed after the application has been filed and the inventor desires to change his or her name on the application, he or she must submit a petition under 37 CFR 1.182. . . . The petition must include an appropriate petition fee and an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

The petition included authorization to charge a Deposit Account for the appropriate petition fee of \$130.00.

The petition submits supporting documentation in the form of a Certificate from the Registry Office in Germany which states that as of 16 December 1997, Peter Andres is using the name Wolfrum as his surname. The Certificate from the Registry Office in Germany is not acceptable to show a change in the inventor's name in a national stage filing under 35 U.S.C. 371. As set forth above, an inventor's name may be changed by submitting: 1) an affidavit signed with both names which sets forth the procedure whereby the change of name was effected or 2) a certified copy of the court order changing the name. Applicant has not submitted either form of acceptable documentation. Thus, the requirements of a petition under 37 CFR 1.182 to change an inventor's name have not been satisfied.

### CONCLUSION

The petition under 37 CFR 1.182 requesting to change the name of inventor Peter Andres to Peter Wolfrum is DISMISSED without prejudice.


The fee of \$130.00 for this petition under 37 CFR 1.182 will be charged to Deposit Account No. 13-3848.

If reconsideration on the merits of this petition is desired, a proper response must be filed within two (2) months from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to properly respond will result in abandonment of the application as to the United States.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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